

**REMARKS**

Claims 9-12 have been rejected under 35 USC 112(b) as being anticipated by Tuckey (US 5,873,349).

Claims 13-14 have been rejected under 35 USC 103(a) as being unpatentable over Pursifull (US 6,988,488) in view of Tuckey.

Claims 15-16 have been indicated as directed to allowable subject matter. The applicant thanks the examiner for the identification of allowable subject matter in the application.

The examiner is respectfully requested to reconsider the rejections. In particular, applicant urges that claims 9-12 are not anticipated by Tuckey for the reasons argued below. Furthermore, claims 13-14 are not obvious over Pursifull in view of Tuckey as further argued below. Nevertheless, a further amendment to claim 9 is proposed to more clearly distinguish the claimed subject matter from the prior art.

The rejection by the Examiner with regard to Tuckey, US 5,873,349 appears to be based on the fact that the return conduit 52, leading back to the storage pot 16, of the pressure controller 10 in Figs. 2 and 3 of Tuckey is theoretically suited for connecting a pressure line, and that the pressure controller then would perform approximately the same function as the pressure control valve of the invention. This is the only explanation why the Examiner in his Office Action indicates that fuel flows into the spring chamber 38 via the return conduit 52 and the through conduit 54. However, this does not correspond to the actual hydraulic connection of the pressure controller in Tuckey, since the return conduit 52 in Tuckey is

pressureless even when the pressure controller is opened and serves only to allow fuel from the pressure line 22 to flow back into the storage pot 16. Accordingly, the conduit 52 is a pressureless outlet conduit, by way of which fuel flows out only when the pressure controller is open.

To overcome the rejection and to further distinguish from the prior art, we have proposed a revised claim wording in the above amendment, which provides more detail of the hydraulic connection of the pressure control valve.

Such a device for delivering fuel is not anticipated by Tuckey nor obvious from a combination of Pursifull, US 6,988,488 B2, and Tuckey, US 5,873,349, since the valve in Tuckey has three connections 22, 26, 52, but in Pursifull, check valves 18 are provided that have only two connections (one inlet and one outlet). One skilled in the art would therefore not consider replacing the check valve 18 of Pursifull, which opens in the direction of the pump 14, with a valve in accordance with Tuckey. That would lead to a device that does not function equivalently, since with the use of the terminals 22, 26, there would be a second pressure relief 52 besides the outlet 26, which does not make sense technically. Even if one skilled in the art were to consider combining US 6,988,488 B2 to Pursifull with US 5,873,349 to Tuckey, he would not arrive at the subject of the above amended claim, since one skilled in the art would not build into Pursifull the valve according to Tuckey, as claimed.

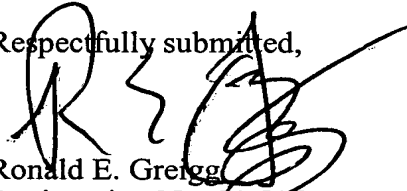
Appl. No. 10/568,813  
Amdt. dated July 9, 2007  
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Instead, he would use the inlet 22 and the outlet 26 for incorporation into the parallel branch of the pressure line 20, but certainly would not use the relief outlet 52. There is no suggestion anywhere to one skilled in the art of doing that, since the connection 52 in Tuckey is used in each case only as a pressureless relief outlet. Even if one skilled in the art were to use the outlet 52 for the incorporation into the parallel branch, one of the connections 22, 26 would then remain free, which makes no sense technologically and does not work.

Applicant believes that the amended claim defines patentable subject matter over the references cited as applied.

Entry of this amendment is respectfully requested because it places the claims in better form for consideration on appeal 37 CFR 1.116(b)(2). It also places the claims in condition for allowance. See MPEP sec. 714.12.

Respectfully submitted,



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